

Notice of Allowability

Application No.

09/927,996

Examiner

Roy Teller

Applicant(s)

WALKER, C. REUBEN

Art Unit

1654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communication received 1/23/04.
2. ☒ The allowed claim(s) is/are 32-36 and 38-42.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☒ to Paper No./Mail Date 5.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

The response with amendments, filed January 23, 2004, have been received and entered. Claims 31-40 have been presented for examination on the merits.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Tyrone Davis on March 24, 2004.

IN THE CLAIMS

Claims 31 and 37 have been cancelled. New claims 41 and 42 have been added.

41. A method of processing shellfish waste for livestock feed comprising the steps of:

- a) drying the shellfish waste;
- b) grinding the shellfish waste to create a meal;
- c) mixing said shellfish waste meal with an acid;
- d) adding a liquid to the acidified shellfish waste meal creating a slurry;
- e) maintaining the pH of the slurry at a pH less than 4.0;
- f) intermittently stirring and settling the slurry;

- g) draining the slurry to create a treated shellfish meal;
- h) adjusting the pH of the treated shellfish waste meal to the range of 6.5 to 7.0;
- i) draining the pH adjusted shellfish waste meal;
- j) rinsing the pH adjusted shellfish waste meal;
- k) drying the pH adjusted shellfish waste meal.

42. A method of processing shellfish waste for protein supplement comprising the steps of;

- a) drying the shellfish waste;
- b) grinding the shellfish waste to create a meal;
- c) mixing said shellfish waste meal with an acid;
- d) adding a liquid to the acidified shellfish waste meal creating a slurry;
- e) maintaining the pH of the slurry at a pH less than 4.0;
- f) intermittently stirring and settling the slurry;
- g) draining the slurry to create a treated shellfish meal;
- h) adjusting the pH of the treated shellfish waste meal to the range of 6.5 to 7.0;
- i) draining the pH adjusted shellfish waste meal;
- j) rinsing the pH adjusted shellfish waste meal;
- k) drying the pH adjusted shellfish waste meal whereby said shellfish waste meal comprises a protein percentage by weight in a range from 47-62%, a phosphorous percentage by weight of less than .5%, and a calcium percentage by weight in a range from 0-2%.

In claim 32, at line 1, the number "31" has been omitted and replaced with --41--.

In claim 32, at line 1, the letter "d" has been omitted and replaced with --c--.

In claim 33, at line 1, the letter "h" has been omitted and replaced with the letter --g--.

In claim 34, at line 1, the letter "g" has been omitted and replaced with the letter --f--.

In claim 36, at line 1, the number "31" has been omitted and replaced with --41--.

In claim 38, at line 1, the number "37" has been omitted and replaced with --42--.

In claim 38, at line 1, the letter "d" has been omitted and replaced with --c--.

In claim 39, at line 1, the letter "h" has been omitted and replaced with --g--.

In claim 40, at line 1, the letter "g" has been omitted and replaced with --f--.

Claims 32-36 and 38-42 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roy Teller whose telephone number is (571)272-0971. The examiner can normally be reached on Monday-Friday from 5:30 am to 2:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brenda Brumback, can be reached on (571)272-0961. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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CHRISTOPHER R. TATE
PRIMARY EXAMINER